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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/275,887	03/25/1999	JOSEPH ROBERT OFFUTT JR.	07099.0980	1353

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EXAMINER

MORGAN, ROBERT W

ART UNIT	PAPER NUMBER
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3626

DATE MAILED: 10/22/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Applicati n N .

09/275,887

Applicant(s)

OFFUTT ET AL.

Examiner

Robert W. Morgan

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on July 23, 2002.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-8, 10-19, 21-30 and 32-51 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-8, 10-19, 21-30 and 32-51 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

***Response to Amendment***

1. This communication is in response to the amendment filed 7/23/02. Claim 51 is amended. Now claims 1-8, 10-19, 21-30 and 32-51 are presented for examination.

***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1, 2, 12, 13, 23, 24, 35, 36, 43-45, 48 and 50 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent 4,862,357 to Ahlstrom et al., for the same reasons given in the previous Office Action (paper number 18).

(A) Claims 1, 2, 12, 13, 23, 24, 35, 36, 43-45, 48 and 50 have not been amended, and are rejected for the same reasons given in the previous Office Action (paper number 18), and incorporated herein.

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 3-8, 10, 14-19, 21, 25-30, 32, 46-47, 49 and 51 are rejected under 35 U.S.C.

103(a) as being unpatentable over U.S. Patent 4,862,357 to Ahlstrom et al. as applied to claim 1

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above, and further in view of U.S. Patent 5,948,040 to DeLorme et al., for substantially the same reasons given in the previous Office Action (paper number 18), and incorporated herein.

(A) Claims 3-8, 10, 14-19, 21, 25-30, 32, 46-47 and 49 have not been amended, and are rejected for the same reasons given in the previous Office Action (paper number 18), and incorporated herein.

(B) The amendment to claim 51 appears to have been made to change the dependency to claim 50, but otherwise does not affect the scope and breath on the claim as originally presented and/or in the manner in which the claim was interpreted by the Examiner when applying prior art within the previous Office Action.

As such, the recited claimed feature of claim 51 is rejected for the same reasons given in the prior Office Action (paper number 18), and incorporated herein.

### ***Response to Arguments***

5. Applicant's arguments filed 7/23/02 have been fully considered but they are not persuasive. Applicant's arguments will be addressed hereinbelow in the order in which they appear in the response filed 7/23/02.

In the remarks, Applicants argue in substance that (1) (claim 1) Ahlstrom et al. does not teach identifying at least one alternative originating or destination locations and report including a value for each alternative itinerary reflecting a savings in travel cost in comparison with the travel itinerary reflected in a user request; (2) (claim 35) Ahlstrom et al. does not teach a supplier interface for receiving availability price request from the server and for providing a availability price response from a plurality of service providers with information on service provider travel itineraries and respective values of the service provider travel itineraries; (3) (claim 2) Ahlstrom

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et al. does not teach displaying a value for the requested travel itinerary and alternative itineraries; (4) (claim 44) Ahlstrom et al. does not teach determining a set of alternative itineraries that are associated with a route between an alternative location and either the origination or destination location included in a user request; (5) (claim 44) Ahlstrom et al. does not teach a report including a savings value for each alternate itinerary reflecting difference between a value associated with an itinerary included in a user request and a value for the respective alternate itinerary; (6) (claim 50) Ahlstrom et al. does not teach providing a report to a user such that the user may visually inspect a map including a graphical representation of the route between the origination and destination locations and the alternate routes, and travel cost for each route; (7) (claim 10) DeLorme et al. does not anticipated or suggest a pre-configured packages based on prior negotiation with providers of travel resources; (8) (claim 49) Ahlstrom et al. and DeLorme et al. do not teach or suggest a geographical map that contains graphical representation representations of the origination, destination, and alternate locations and paths between the respective locations; and (9) (claim 11) Ahlstrom et al., DeLorme et al. and Walker et al. alone or in combination, fail to teach a process that allows a value of travel itinerary specified in a user request and the values for determined alternative itineraries to be reconfigured based on response from a price to beat request.

(A) In response to Applicant's argument that (1) Ahlstrom et al. does not teach identifying at least one alternative originating or destination locations and report including a value for each alternative itinerary reflecting a savings in travel cost in comparison with the travel itinerary reflected in a user request. The Examiner respectfully submits that the Applicant misinterprets the reference of Ahlstrom et al. which teaches a computer reservation system with

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itinerary information that is sorted and displayed in accordance with the travel policy information; the sorted information (i.e., the report) are displayed for the user and can then be printed. The sorted itinerary information includes the comparison and results of other possible travel itineraries to determining the optimum itinerary and inherently calculate the saving involved with each comparison (see: column 2, lines 32-38). Alternative itineraries are evaluated during the data processing where intermediate travel stops and alternative city pairings are evaluated to determine the optimum itinerary (see: column 2, line 66 to column 3, line 15). Ahlstrom et al. clearly teaches that the alternative itinerary are displayed to the user in form a report which includes comparison and results of other possible travel itineraries and travel policy information. The comparison and results of other possible travel itineraries also show flight scheduling information, fare information, and other travel information, which better helps the user in determining the optimum itinerary.

As such, it is respectfully submitted that the teaching of Ahlstrom et al. clearly identifies alternative originating or destination locations and provide report including value and saving of the alternative itineraries upon the users request as noted above.

(B) In response to Applicant's argument that (2) (claim 35) Ahlstrom et al. does not teach a supplier interface for receiving availability price request from the server and for providing a availability price response from a plurality of service providers with information on service provider travel itineraries and respective values of the service provider travel itineraries. The Examiner respectfully submits that the Applicant ignores the full teachings of Ahlstrom et al. that teach the use of a computer reservation system, which receives user inputs of a starting location and a destination (see: column 1, lines 35-39 and column 2, line 25). The local computer

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then connects to the remote computer system that accesses flight scheduling information, fare information, and limitation information stored in a remote computer system database that ranks, sorts, and displays the itinerary information on the local computer (see: column 2, lines 28-36). This indicates that the local computer connects to the remote computer system preferably a compendium of travel schedule and fare information, such as the Official Airline Guides Electronic Edition, maintained by Official Airline Guides, Inc. of 2000 Clearwater Drive, Oak Brook, Illinois 60521 (see: column 2, lines 9-21). The Official Airline Guides Electronic Edition provides the user with values, prices and itineraries from many of the airlines offering travel to the respective locations.

(C) In response to Applicant's argument that (3) (claim 2) Ahlstrom et al. does not teach displaying a value for the requested travel itinerary and alternative itineraries. The Examiner respectfully submits that the Applicant fails to recognize the full teachings of Ahlstrom et al. that teach a computer reservation system using a local computer that connects to a remote computer system that accesses flight scheduling information, fare information, and limitation information stored in a remote computer system database that ranks, sorts, and displays the itinerary information on the local computer (see: column 2, lines 28-36). Once the itinerary information is sorted and displayed in accordance with the travel policy information the sorted information (i.e., the report) is displayed for the user and can then be printed. In addition, the Examiner respectfully submits that the displayed sorted itinerary information includes flight schedules and fare information from a number of airlines, once sorted the best itinerary is selected by the user as taught by Ahlstrom et al. (see: column 2, lines 36-38).

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(D) In response to Applicant's argument that (4) (claim 44) Ahlstrom et al. does not teach determining a set of alternative itineraries that are associated with a route between an alternative location and either the origination or destination location included in a user request. The Examiner respectfully submits that the Applicant fails to recognize the full teachings of Ahlstrom et al. which teach a computer reservation system where alternative itineraries are evaluated during data processing and the intermediate travel stops and alternative city pairings are evaluated to determine the optimum itinerary with only the initial inputs from the user in order to gather travel information (see: column 2, line 66 to column 3, line 15). In addition, the Examiner respectfully submits that the teaching of Ahlstrom et al. clearly show the evaluating of alternate itineraries including intermediate travel stop and alternative city pairings from a user's inputted.

(E) In response to Applicant's argument that (5) (claim 44) Ahlstrom et al. does not teach a report including a savings value for each alternate itinerary reflecting difference between a value associated with an itinerary included in a user request and a value for the respective alternate itinerary. The Examiner respectfully submits that the reference of Ahlstrom et al. teaches a computer reservation system with itinerary information that is sorted and displayed in accordance with the travel policy information; the sorted information (i.e., the report) are displayed for the user and can then be printed. The sorted itinerary information includes the comparison and results of other possible travel itineraries to determining the optimum itinerary and inherently calculates the saving involved with each comparison (see column 2, lines 32-38). Again, Ahlstrom et al. clearly teaches that the alternative itinerary which are displayed to the user in form a report include comparison and results of other possible travel itineraries and travel



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policy information. The comparison and results of other possible travel itineraries also show flight scheduling information, fare information, and other travel information, which better helps the user in determining the optimum itinerary.

(F) In response to Applicant's argument that (6) (claim 50) Ahlstrom et al. does not teach providing a report to a user such that the user may visually inspect a map including a graphical representation of the route between the origination and destination locations and the alternate routes, and travel cost for each route. The Examiner respectfully submits that the Applicant fails to recognize the full teachings of Ahlstrom et al. that teach a computer reservation system with itinerary information that is sorted and displayed in accordance with the travel policy information; the sorted information (i.e., the report) is displayed for the user and can then be printed. In addition, the Examiner respectfully notes that Applicant is relying upon a non-committal term within the claim language, in particular "the user may visually inspect a map", such language appears to describe an invention in terms of what the invention may (or may not) be, rather than what is actually is. Thus, Applicant's relied upon language fails to positively and definitely require the specific meaning which Applicant now argues.

(G) In response to Applicant's argument that (7) (claim 10) DeLorme et al. does not anticipate or suggest pre-configured packages based on prior negotiation with providers of travel resources. Although Ahlstrom et al. fails to explicitly teach pre-configured travel packages based on prior negotiations with travel resource providers, it is respectfully submitted that the reference of DeLorme teaches hotel chains, state tourism bureaus, and local chambers of commerce publishing travel package embodiments for planning trips, printing maps, discount offers, trip directions and other such information about a limited range of attractions, events or

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seasonal activities (see column 13, lines 48-67). This suggests that the potential traveler needing a travel package and contacting a travel agent to discuss the different travel packages available may combine many different packages together to determine which combined package is best suited for their needs. Therefore, it is respectfully submitted that DeLorme et al. teaches a travel package embodiment that exemplifies a pre-configured package based on negotiations with a travel agent.

(H) In response to Applicant's argument that (8) (claim 49) Ahlstrom et al. and DeLorme et al. do not teach or suggest a geographical map that contains graphical representation representations of the origination, destination, and alternate locations and paths between the respective locations. Although Ahlstrom et al. fails to teach a geographical map that contains graphical representation representations of the origination, destination, and alternate locations and paths between the respective locations. The Examiner respectfully submits the Applicant fails to recognize the full teachings of DeLorme that teach the use of geographical ranges with coordinates needed to evaluate alternative travel routes and itineraries (see: column 57, line 1 and Fig. 7A). The routes include different and various routes and accommodations in accordance with user preferences and sorting criteria. In addition, DeLorme also teaches a map display (152, Fig. 3), which facilitates the topical information, for example, by means of "located" symbols, text or tables indicating price information, which the examiner considers as an addition to the map display (see: column 25, lines 29-35).

(I) In response to Applicant's argument that (9) (claim 11) Ahlstrom et al., DeLorme et al. and Walker et al. alone or in combination, fail to teach a process that allows a value of travel itinerary specified in a user request and the values for determined alternative itineraries to be

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reconfigured based on response from a price to beat request. Although Ahlstrom et al. and DeLorme et al. fails to explicitly teach a process that allows a value of travel itinerary specified in a user request and the values for determined alternative itineraries to be reconfigured based on response from a price to beat request. The Examiner respectfully submits that the Applicant fails to consider the teaching of Walker that clearly indicate a method and apparatus for the sale of flight tickets where the user submits a bid to purchase an unspecified-time ticket for a specific itinerary, and that the traveler is willing to pay \$375 for the ticket (see column 6, lines 45-51). That is, a price-to-beat request is sent to a selected service provider with a value associated with the determined value for the travel itinerary. Further, Walker discloses that the reservation system, after determining that the traveler may be supplied with a ticket conforming to their time and value constraints, prints a ticket for the actual flight with the actual flight number and the departure/arrival times. The airline then transmits the ticket to the traveler (see column 15, lines 3-17). In this fashion, the traveler receives a response from the service provider with information and a value on a travel itinerary.

In sum, it is respectfully submitted that the rejection given in the prior Office Action is indeed proper and should be maintained.

### ***Conclusion***

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after

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the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robert W. Morgan whose telephone number is 703-605-4441. The examiner can normally be reached on 8:30 a.m. - 5:00 p.m. Mon - Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Thomas can be reached on 703-305-9588. The fax phone numbers for the organization where this application or proceeding is assigned are 703-305-7687 for regular communications and 703-305-7687 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1113.

RWM  
rwm  
October 19, 2002

  
**JOSEPH THOMAS**  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 3600